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Japan

Planting Seeds

Planting Seeds Annual

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Report Highlights:

Japan's overall imports of planting seeds are up. Japanese Ministry of Agriculture, Forestry, and Fisheries strengthens protections for registered seed varieties.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Tokyo [JA1]
[JA]

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I. Executive Summary

The strengthening of protections on the rights of variety growers has been continuously progressing this year. The Ministry of Agriculture, Forestry and Fisheries (MAFF) announced an amendment to the ministerial ordinance on August 1, 2006 to increase the number of seeds and seedlings which are forbidden from home-breeding for the purposes of cultivation from 23 kinds to 81 kinds. This amendment will take effect on August 1, 2007.

MAFF also set up a sub-committee on August 2, 2006 to revise the Seeds and Seedlings Act in order to strengthen its punitive clause. The goal will be to mass measures that help Japanese breeders take legal actions to suspend imports of crops unlawfully produced from registered Japanese varieties.

End of Summary

II. Production

The Ministry of Agriculture, Forestry and Fisheries has not made statistics of production of planting seeds available since 1998. Therefore, domestic production and use data is not available.

III. Trade

1) Imports

Just like last year, vegetables and herbaceous plant seeds grew in value, and Japanese planting seed imports totaled \$126,827 thousand in 2005, up 5.7% from \$120,007 thousand in the previous year. The quantity of vegetables, forage crops and herbaceous plants seed imports increased and total imports grew 7.9% from 83,427 metric tons in 2004 to 90,037 tons in 2005.

The United States is the largest planting seed exporter to Japan with a 26.2% market share in terms of value in 2005, up 4.6% from the previous year.

Japanese Seed Imports from the World						
Crops	Quantity (Metric Tons)			Value (\$ 000)		
	2004	2005	% Change	2004	2005	% Change
Vegetables	4,823	5,285	9.6%	49,378	55,519	12.4%
Sugar Beet	63	62	-1.6%	4,585	4,143	-9.6%
Forage Crops	75,364	81,900	8.7%	38,106	38,152	0.1%
Herbaceous Plants	255	354	38.8%	12,261	14,920	21.7%
Sweet Corns	327	305	-6.7%	4,932	4,372	-11.4%
Peas / Beans	813	761	-6.4%	2,853	2,701	-5.3%
Other Plants	1,845	1,432	-22.4%	7,892	7,020	-11.0%
Total:	83,490	90,099	7.9%	120,007	126,827	5.7%

(Source: Ministry of Finance Customs Data)

Japanese Seed Import from the World by County				
Country	Value (\$ 000)			
	2004	2005	% Change	Share
U. S.	31,719	33,186	4.6%	26.2%
Australia	19,153	19,003	-0.8%	15.0%
China	8,088	9,144	13.1%	7.2%
Italy	7,652	9,036	18.1%	7.1%
France	5,680	7,965	40.2%	6.3%
Netherlands	6,799	7,852	15.5%	6.2%
Big-6 Total:	81,095	88,191	8.8%	68.0%
Wold Total:	120,007	126,827	5.7%	100.0%

Japanese Seed Imports from the U.S.						
Crops	Quantity (Metric Tons)			Value (\$ 000)		
	2004	2005	% Change	2004	2005	% Change
Vegetables	1,352	1,456	7.7%	9,324	9,940	6.6%
Sugar Beets	2	9	350.0%	14	74	428.6%
Forage Crops	11,544	13,767	19.3%	12,282	13,522	10.1%
Sweet Corns	243	232	-4.5%	3,317	3,607	8.7%
Peas / Beans	631	458	-27.4%	2,240	1,468	-34.5%
Herbaceous Plants	49	11	-77.6%	1,618	2,268	40.2%
Other Plants	463	418	-9.7%	2,924	2,307	-21.1%
Total:	14,284	16,351	14.5%	31,719	33,186	4.6%

(Source: Ministry of Finance Customs Data)

Note: 1/ Based on Japanese customs dollar value, CIF/ Japanese ports of entry.

Leading Seed Exporters to Japan By Crop & Dollar Value:

(Source: Ministry of Finance Customs Data)

Vegetable Seeds					
Japanese Imports From:		2004		2005	
		Value (\$000)	% Share	Value (\$000)	% Share
The World		49,378	100%	55,519	100%
1	U.S.A.	9,324	19%	9,940	18%
2	Italy	7,416	15%	8,698	16%
3	China	3,967	8%	4,773	9%
4	Denmark	3,352	8%	4,094	7%
5	Netherlands	3,153	7%	3,912	7%
Big-5 Total:		27,212	57%	31,417	57%

Sugar Beet Seeds					
Japanese Imports From:		2004		2005	
		Value(\$000)	% Share	Value(\$000)	% Share
The World		4,585	100%	4,143	100%
1	Germany	2,341	51%	2,006	48%
2	France	1,274	28%	1,333	32%
3	Netherlands	351	8%	376	8%
4	Belgium	574	13%	350	8%
5	U.S.A.	14	3%	74	2%
Big-5 Total:		4,554	99%	4,139	100%

Forage Crop Seeds					
Japanese Imports From:		2004		2005	
		Value (\$000)	% Share	Value (\$000)	% Share
The World		38,106	100%	38,152	100%
1	Australia	16,246	43%	16,017	42%
2	U.S.A.	12,282	32%	13,522	35%
3	France	2,347	6%	3,207	8%
4	Germany	1,086	3%	1,191	3%
5	Canada	1,271	3%	898	2%
Big-5 Total:		33,232	87%	34,835	90%

Sweet Corn Seeds					
Japanese Imports From:		2004		2005	
		Value (\$000)	% Share	Value (\$000)	% Share
The World		4,932	100%	4,372	100%
1	U.S.A.	3,317	67%	3,607	83%
2	Chile	1,605	48%	701	16%
3	France	6	0.1%	64	1%
Big-3 Total:		4,928	99%	4,372	100%

Pea / Bean Seeds					
Japanese Imports From:		2004		2005	
		Value (\$000)	% Share	Value (\$000)	% Share
The World		2,853	100%	2,701	100%
1	U.S.A.	2,240	79%	1,468	54%
2	Netherlands	190	6%	347	13%
3	Thailand	105	4%	299	11%
4	China	69	2%	225	8%
5	India	66	2%	133	5%
Big-5 Total:		2,670	94%	2,473	91%

Herbaceous Plant Seeds					
Japanese Imports From:		2004		2005	
		Value (\$000)	% Share	Value (\$000)	% Share
The World		12,261	100%	14,920	100%
1	Netherlands	2,938	24%	3,406	23%
2	Chile	2,594	21%	2,588	17%
3	U.S.A.	1,618	13%	2,268	15%
4	China	1,535	12%	2,121	14%
5	France	1,128	9%	1,528	10%
Big-5 Total:		9,813	80%	11,911	79%

Other Plant Seeds					
Japanese Imports From:		2004		2005	
		Value (\$000)	% Share	Value (\$000)	% Share
The World		7,892	100%	7,020	100%
1	U.S.A.	2,924	37%	2,307	33%
2	China	2,171	28%	1,880	27%
3	South Korea	631	8%	1,023	15%
4	Taiwan	576	7%	791	11%
5	Thailand	566	7%	353	5%
Big-5 Total:		6,868	87%	6,353	91%

2) Exports

Japanese seed exports in 2005 were \$91,526 thousand in value, down 7.0% from the previous year.

Japanese seed exports to the United States in 2005 totaled \$14,217 thousand, down 4.7% in value from the previous year, and accounting for 15.5% of total Japanese seed exports.

Japanese Seed Exports to the World						
Crops	Quantity (Metric Tons)			Value (\$ 000)		
	2004	2005	% Change	2004	2005	% Change
Vegetables	1,436	1,400	-2.5%	71,410	68,571	-4.0%
Forage Crops	16	32	100.0%	132	131	-0.8%
Herbaceous Plants	38	39	2.6%	23,211	18,974	-18.3%
Other Plants	454	461	1.5%	3,688	3,850	4.4%
Total:	1,944	1,932	-0.6%	98,441	91,526	-7.0%

Japanese Seed Export to the U.S.						
Crops	Quantity (Metric Tons)			Value (\$ 000)		
	2004	2005	% Change	2004	2005	% Change
Vegetables	51	43	-15.7%	4,388	4,000	-8.8%
Forage Crops	16	32	100.0%	98	121	23.5%
Herbaceous Plants	5	12	140.0%	10,060	9,850	-2.1%
Other Plants	6	3	-50.0%	370	246	-33.5%
Total:	78	90	15.4%	14,916	14,217	-4.7%
U.S. % Share	4.0%	4.7%	-	15.2%	15.5%	-

(Source: Ministry of Finance Customs Data.)

Note: 1/ Based on Japanese customs dollar value, FOB/Japanese ports of export.

IV. Harmonized System – Tariff Codes for Planting Seeds in Japan.

The HS code for sugar beet seeds has been changed. Trade data for each crop for this GAIN report was obtained based on the HS codes shown in the table below. Japan uses 9-digit codes while the U. S. uses 10-digit codes. The first 6 digits are universal standard codes and the rest vary by country. BICO provides trade data of planting seeds, which includes six seeds groups. Each group represents a total of the individual commodities, based on the HS codes. Some of those commodities do not really fall in the Japanese customs tariff schedule. So there are discrepancies in trade figure between the BICO report and this GAIN report.

Reference: HS (Harmonized System) tariff codes, used in statistical tabulation for each seed group.		
Seed Group	Imports	Exports
Vegetable Seeds	1209.91-010; 1209.91-090	1209.91-000
Sugar Beet Seeds	1209.10-000	None
Forage Crop Seeds	1209.21-000; 1209.22-000; 1209.23-000; 1209.24-000; 1209.25-000; 1209.26-000; 1209.29-000; 1002.00-010; 1004.00-010; 1005.10-010; 1007.00-010; 1008.10-010; 1008.90-010;	1209.21-000; 1209.22-000; 1209.23-000; 1209.24-000; 1209.25-000; 1209.26-000;
Pea / bean Seeds	0713.10-010; 0713.10-211; 0713.20-010; 0713.33-010; 0713.33-210; 0713.39-010; 0713.39-210; 0713.40-010; 0713.50-010; 0713.50-210; 0713.90-010; 0713.90-210	None
Sweet Corn Seeds	0712.90-031	None
Herbaceous Plant Seeds	1209.30-000	1209.30-000
Other Planting Seeds	1209.99-000	1209.99-000

V. Tariff

The table below shows the import duties levied on planting seeds. Other seeds are duty free.

Crop	HS Code (Harmonized System)	Tariff Rates (WTO)
Pea Seeds	0713.10.211	6.0%
Kidney Bean Seeds	0713.33.210	6.0%
Broad Bean Seeds	0713.50.210	6.0%
Other Seeds (Vigna spp., Phaseolus spp.)	0713.39.210	6.0%
Other Seeds (Dried leguminous vegetables)	0713.90.210	6.0%

(Source: Customs Tariff Schedule of Japan)

VI. Regulatory Updates – The enforcement of Seeds and Seedlings Act revised.

The Japanese Seeds and Seedlings Act was revised in June 2005. This was explained in the 2005 Planting Seeds Gain Report, JA5047. The enforcement measures of the Seeds and Seedlings Act were also revised at the same time and became effective on June 21, 2005. The difference was the introduction of the following two key provisions.

1) Expansion of the range of specified seeds and seedlings.

Specified seeds and seedlings are plants that must be labeled, according to the Minister of Agriculture and Forestry and Fishery.

- Before revision: 128 kinds of plants, which are important for agricultural production.
- After revision: All edible agricultural crops.

2) Change in the label information on the use of agricultural chemical for specified seeds and seedlings.

- Before revision: The name of agro chemicals used to prevent disease and insect damage must be labelled.
- After revision: Edible seeds of feed crops, excluded fruit trees, to which agricultural chemicals were applied, must show the active ingredients and the number of times each ingredient was used. Other specified seeds and seedlings are only required to show the names of active ingredients that were used, if any.

These two revisions affect both imports and domestically produced seeds. Therefore, specified seeds and seedlings imported from the U. S. are required to show the use record of agricultural chemicals.

Amendment of the Ministerial Ordinance on August 1, 2006

Home-breeding of seeds and seedlings which have breeders' rights, for the purposes of cultivation of seeds and seedling, has been done without breeders' agreements in Japanese farms for many years. Besides the following exceptions, all breeding of these protected seeds requires an agreement from breeders.

- 1) 23 kinds of vegetative propagation, which can be reproduced in large amounts within a short period of time.
- 2) A farmer is prescribed by contract.

MAFF announced an increase in the number of the seeds and seedlings that are forbidden from being home bred for cultivation from 23 kinds to 81 kinds effective August 1, 2007. Generally, an agreement from a breeder is required in order to reproduce registered seeds and seedlings in other countries. While this type of variety registration is an international norm, MAFF wants domestic standards and practices to be more harmonized with international standards. Offenders can face up to three years of imprisonment, or be fined up to 3 million yen, or 100 million yen for corporate violations.

A Review Commission met on August 2, 2006 to discuss the establishment of a Sub-committee on the Reinforcement and Utilization of Protection of New Plant Varieties

Currently, Breeder's rights are protected under the Seeds and Seedlings Act. Unlike other intellectual property laws such as patent law, design law, trademark law and copyright law, it is believed that for the Deed and Seedlings Act, protection of the seed breeders is weak and it is hard to bring a legal case against offenders. Therefore, MAFF took steps to establish a sub-committee on August 2, 2006 to revise the Seeds and Seedlings Act, with the aim of strengthening its punitive clause. This should help Japanese breeders file civil suits in order to suspend imports of crops unlawfully produced using Japanese registered varieties. The sub-committee plans to compile a report and finalize the legal revision during an ordinary Diet session sometime in 2007.

VII. Variety Registrations

The number of applications for variety registration of planting seeds accepted by the Ministry of Agriculture, Forestry and Fisheries was 1,385 in 2005, up 3.6% from 1,337 in the previous year (i.e. April-March). The number of varieties registered was 1,110, down 2% from the previous year.

The Ministry of Agriculture, Forestry and Fisheries has English website of "Plant Variety Protection" which provides following information.

1. The law and government ordinances
2. An institutional outline
3. Documents required for application

<http://www.hinsyu.maff.go.jp/english/index.htm>

NUMBER OF SEED VARIETY APPLICATIONS & REGISTRATIONS TWO-YEAR COMPARISON (JAPAN FISCAL YEAR: APR. THROUGH MAR.)				
Crops	Applications		Registrations	
	2004	2005	2004	2005
Edible Crops	47	62	55	56
Vegetables	63	68	80	48
Fruits	46	47	70	35
Forage Crops	17	15	12	10
Herbaceous Plants	936	907	664	713
Ornamental Plants	189	273	233	220
Forest Trees	1	0	1	0
Others	38	13	17	28
Total:	1,337	1,385	1,132	1,110

(Source: Ministry of Agriculture, Forestry and Fisheries)

The number of applications and registrations of seed varieties, which were developed in foreign countries, are shown in the following table. As of the end of March 2006, the cumulative number of applications for new registrations for seed varieties, grown outside of Japan, was reported as 5,968 cases, up 463 cases or 8.4% from the previous year, and the number of registrations was 4,014 cases, up 12.3% from the previous year.

NUMBER OF REGISTRATION OF SEED VARIETIES BY CROP & COUNTRY, GROWN OUTSIDE JAPAN, as of the end of March, 2006

Country		Total		Edible Crops		Industrial Crop		Vegetable		Fruit Trees		Forage Crops		Herbaceous Plants		Ornamental Plants	
		Apply	Reject	A.	R.	A.	R.	A.	R.	A.	R.	A.	R.	A.	R.	A.	R.
Asia	Israel	363	236					1	1					362	235		
	Thailand	22	14					1	1					21	13		
	China	10	7	5	5					2	0			3	2		
	Korea, So.	9	1					1	0					4	1	4	0
	Taiwan	14	8					3	2					11	6		
	India	1	0											1	0		
	Philippine	2	0											2	0		
	Indonesia	2	0									2	0				
Europe	Netherlands	2,157	1,476	1	0			14	10					1,618	1,100	524	366
	Germany	970	724							1	0			586	387	383	337
	France	370	294	8	6			4	1	8	5			155	118	195	164
	Italy	228	154											187	122	41	32
	U. K.	336	240					2	2	7	7			201	125	126	106
	Denmark	359	213											200	117	159	96
	Ireland	8	1											6	0	2	1
	Belgium	11	3							1	0			7	1	3	2
	Switzerland	7	4							2	1			5	3		
	Spain	18	3											17	2	1	1
	Sweden	1	1													1	1
	Norway	1	1											1	0	0	1
	Slovakia	1	1											1	1		
	Czech	1	0													1	0
	Poland	4	4											4	4		
	Portugal	1	1													1	1
Americas	U.S.A.	747	460	2	1	2	0	23	19	10	4	10	8	512	290	188	138
	Argentina	2	1											1	1	1	0
	Ecuador	1	1													1	1
	Costa Rica	27	8											26	8	1	0
	Canada	4	2											1	0	3	2
	Mexico	1	1													1	1
	Brazil	9	6							3	1			6	5		
Oceania	Australia	139	79					2	0	2	0			126	78	9	1
	New Zealand	122	65							20	4			35	17	67	44
Africa	Kenya	3	0													3	0
	South Africa	17	5											15	5	2	0
Total		5,968	4,014	16	12	2	0	51	36	56	22	12	8	4,114	2,641	1,717	1,295

(Source: Ministry of Agriculture, Forestry & Fisheries)

1/ Includes 2 cases of crops of experiment.

End of Report